

CHECKLIST: HOW TO AVOID U.S. TROPHY SEIZURES AND FORFEITURES

AMENDED OCTOBER 2014

- ❑ **TAGS:** Must be 1) self-locking, 2) permanently attached, 3) through a hole. Ear, eye, mouth, nose, bullet holes are okay, but not around a leg above the foot. Tag number must match that on the permit. Both the tag and export permit must contain the total annual quota as well as that for the animal, e.g. 120/150.
- ❑ **PERMIT EXPIRATION:** Exchange a copy of the import permit before exporting to verify it will not expire before arrival. Examine the export permit date to assure arrival before its expiration.
- ❑ **EXPORT PERMIT:** Examine for errors of name of permittee and name and number of species. To be valid, the permit must be dated, signed and sealed twice, i.e. once at issuance and again at endorsement at the time of shipment. The quota year and quota on the permit and tag are the year taken, but the quota for the year of export, if different, must also be indicated.
- ❑ **VALIDATION / ENDORSEMENT:** Make sure section 14 of export permit is fully completed, i.e. all parts itemized, dated, signed and sealed by CITES or Customs officer, otherwise the permit is not complete.
- ❑ **PURPOSE CODE FOR CRAFTED HUNTING TROPHIES:** Worked, crafted or manufactured parts of hunting trophies are once again coded as trophies, "H." New procedural requirements: Both the export and import permits must "contain a complete itemization and description of all items...in the shipment" and the crafted parts must be in the same shipment with the uncrafted parts. 50 CFR 23.74 (effective June 26, 2014).
- ❑ **VALUATION:** Understatement of value is the cause of excessive seizures, i.e. forfeiture of \$50,000 trophies for a \$500 offense. A true representative value should be used, not understated. Pro-rated cost of acquisition (cost of the hunt) is best, or insurance value. Note: trophies are not taxed upon entry into the U.S. but they most certainly are seized. The exporter should use the full value from the get-go as import brokers carry it over onto the declarations. Import agents especially heed this and enter the cost of acquisition for value on the 3-177 declaration form, particularly when a problem shipment! If unsure of value, then ask the client, but don't understate it.
- ❑ **IN TRANSIT:** Transfer through intermediate countries must be immediate, without delay. A hunter traveling with his trophy cannot layover in an intermediate country without appropriate CITES import and re-export permits from that country. Layover requires a re-export permit from the layover country.
- ❑ **POST-SHIPMENT CORRECTIONS:** Export authorities must immediately contact and confer with the USFWS Headquarters of the Office of Law Enforcement (HQ/OLE), not local inspectors, before issuing a retrospective permit, not months later or after issuing a new permit. The Office of Law Enforcement's email address is lawenforcement@fws.gov. The importing authorities must agree to issuance of a retrospective permit beforehand. The importing agent must set corrective action in motion immediately and use cost of acquisition as market value of the trophy on the 3-177 Declaration entry form rather than carry over as the value the export fee or some other incorrect figure from the export documents. In the case of loss, government-to-government consultation is now necessary and the replacement permits must state that they are replacements and why. 50 CFR 23.52.
- ❑ **RE-SHIPMENT:** Send trophies back whenever you can, else it is treated as "contraband that is illegal to possess" without any protectable interest, like stolen goods or illegal drugs.
- ❑ **RE-SHIPMENT IMPORT PERMITS:** When trophies are returned to the exporting country and re-shipped, new, original import permits are required because the originals are taken and marked cancelled.
- ❑ **GOVERNMENT ERRORS:** Most seizures and forfeitures arise from errors on the face of the export permit. Expect and make a search for all of the above errors and expiration dates before shipment.